

November 16, 2006

MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
November 16, 2006

I. OPENING OF MEETING AT 10:38 A.M. AT 425 ½ SOUTH FOURTH STREET,  
SPRINGFIELD, ILLINOIS

II. PRESENT

Chris Kolker, Chairman; Raymond W. Ewell, Barbara J. Peterson, and Betty A. Bukraba, Commissioners; Daniel Stralka, Executive Director; Andrew Barris of the Commission staff; and Anne McElroy and Larry Plummer, Department of Central Management Services.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD OCTOBER 19, 2006

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER EWELL AND THE MOTION ADOPTED 4-0 TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 19, 2006.**

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

**A. Report on Exempt Positions**

<u>Agency</u>	<u>Total Employees</u>	<u>No. of Exempt Positions</u>
Aging .....	141.....	9
Agriculture .....	494.....	17
Arts Council.....	20.....	2
Capitol Development Board .....	32.....	0
Central Management Services .....	1,617.....	111
Children and Family Services.....	3,363.....	41
Civil Service Commission .....	4.....	0
Commerce & Econ. Opportunity .....	431.....	61
Commerce Commission.....	54.....	0
Corrections.....	12,503.....	101
Criminal Justice Authority .....	63.....	6
Deaf and Hard of Hearing Comm. ....	6.....	1
Developmental Disabilities Council .....	10.....	1
Emergency Management Agency .....	106.....	1
Employment Security.....	1,782.....	26
Environmental Protect. Agency .....	1,084.....	18
Financial. & Prof. Regulation .....	805.....	43
Guardianship and Advocacy .....	114.....	6
Healthcare and Family Services ... ..	2,336.....	29
Historic Preservation Agency .....	297.....	11
Human Rights Commission .....	12.....	2
Human Rights Department .....	136.....	8
Human Services .....	14,835.....	64
Investment Board.....	5.....	2
Juvenile Justice .....	1315.....	18
Labor.....	76.....	7
Labor Relations Board Educational .....	15.....	2
Labor Relations Board Local .....	1.....	0
Labor Relations Board State .....	20.....	2
Law Enforce. Trng. & Standard Bd. ....	22.....	1
Medical District Comm.....	2.....	0
Military Affairs .....	145.....	3
Natural Resources .....	1,511.....	27
Pollution Control Board.....	26.....	3
Prisoner Review Board .....	21.....	0
Property Tax Appeal Board .....	22.....	2
Public Health.....	1,122.....	35
Revenue .....	2,032.....	60
State Fire Marshal .....	154.....	9
State Police .....	1,479.....	6
State Police Merit Board.....	5.....	1
State Retirement Systems .....	85.....	1
Transportation.....	2,755.....	1
Veterans Affairs.....	1,145.....	5
Workers Comp. Commission.....	171.....	10
<b>TOTALS .....</b>	<b>52,374.....</b>	<b>753</b>

**B. Governing Rule - Jurisdiction B Exemptions**

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
  1. The Governor, or
  2. A departmental director or assistant director appointed by the Governor, or
  3. A board or commission appointed by the Governor, or
  4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
  5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
  6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
  7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.
- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
  1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
  2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board or commission.
  3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

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**C. Requests for 4d(3) Exemption**

- With regard to Items C and F, Executive Director Daniel Stralka reported that the agency completed a material reorganization of its policy-making and implementing positions. For that reason, Commission staff recommended approval of these requests.
- With regard to Items D and E, Executive Director Daniel Stralka reported that the Illinois Department of Human Rights, in response to a Commission staff inquiry, advised that these positions were not appropriate candidates for principal policy exemption. For that reason, Commission staff recommended these requests be denied.
- With regard to Item G, Executive Director Daniel Stralka reported that this position of Chief Fiscal Officer for the Department of Labor satisfies both the reporting and programmatic requirements of Commission rules. For those reasons, Commission staff recommended approval of this request.
- With regard to Item H, Executive Director Daniel Stralka reported that this request was withdrawn by the agency.

**IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER PETERSON AND THE MOTION ADOPTED 4-0 TO GRANT AND DENY THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:**

**The following 4d(3) exemption requests were granted on November 16, 2006:**

**Item C: Illinois State Fire Marshal**

Position Number: 40070-50-50-200-00-01  
Position Title: Senior Public Service Administrator  
Bureau/Division: Boiler and Pressure Vessel Safety  
Functional Title: Director, Statewide Boiler and Pressure Vessel Safety Div.  
Incumbent: David Douin  
Supervisor: Illinois State Fire Marshal  
Location: Sangamon County

**Item F: Illinois State Fire Marshal**

Position Number: 40070-50-50-000-10-16  
Position Title: Senior Public Service Administrator  
Bureau Division: Executive  
Functional Title: Director, Statewide Elevator Safety and Certification Div.  
Incumbent: None  
Supervisor: Illinois State Fire Marshal  
Location: Cook County

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Item G: Illinois Department of Labor

Position Number: 40070-15-10-100-00-01  
Position Title: Senior Public Service Administrator  
Bureau Division: Administration  
Functional Title: Chief Fiscal Officer  
Incumbent: William R. Blinn  
Supervisor: Director  
Location: Sangamon County

**The following 4d(3) exemption requests were denied on November 16, 2006:**

Item D: Illinois Department of Corrections

Position Number: 40070-29-00-000-20-01  
Position Title: Senior Public Service Administrator  
Bureau/Division: Director's Office  
Functional Title: EEO/Affirmative Action Officer  
Incumbent: Janet Richmond  
Supervisor: Reports to Director  
Location: Cook County

Item E: Illinois Department of Juvenile Justice

Position Number: 37015-27-00-000-10-01  
Position Title: Public Service Administrator  
Bureau/Division: Director's Office  
Functional Title: EEO/Affirmative Action Officer  
Incumbent: None  
Supervisor: Reports to Director  
Location: Sangamon County

V. CLASS SPECIFICATIONS

None submitted.

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER BUKRABA AND THE MOTION ADOPTED 4-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.**

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VI. MOTION TO GO INTO EXECUTIVE SESSION

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER PETERSON AND BY ROLL CALL VOTE THE MOTION ADOPTED 4-0 TO HOLD AN EXECUTIVE SESSION PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4) AND 2(c)(11) OF THE OPEN MEETINGS ACT.**

<b>KOLKER</b>	<b>YES</b>	<b>RICHARDS</b>	
<b>PETERSON</b>	<b>YES</b>	<b>EWELL</b>	<b>YES</b>
<b>BUKRABA</b>	<b>YES</b>		

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VII. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 425 ½ South Fourth Street, Springfield, Illinois at 10:50 a.m.

PRESENT

Chris Kolker, Chairman; Raymond W. Ewell, Barbara J. Peterson, and Betty A. Bukraba, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris of the Commission staff.

VIII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code, however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Report.

Agency	9/30/06	10/31/06	10/31/05
Agriculture	5	2	3
Arts Council	1	1	0
Central Management Services	3	2	3
Children and Family Services	3	5	4
Commerce and Economic Opportunity	0	0	1
Emergency Management Agency	0	0	1
Financial and Professional Regulation	1	0	0
Healthcare and Family Services	5	8	12
Historic Preservation	14	2	9
Human Rights Department	0	0	1
Human Services	3	0	0
Natural Resources	29	17	22
State Retirement Systems	1	1	1
Transportation	90	41	29
Veterans' Affairs	1	0	0
<b>Totals</b>	<b>156</b>	<b>79</b>	<b>86</b>

Executive Director Daniel Stralka reported that the Illinois Department of Transportation has reduced its consecutive non-merit appointments as it indicated it would prior to the October meeting of the Commission.

IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

• RULE VIOLATION APPEAL

RV-48-06

Petitioner	Patricia Cribbet	Appeal Date	05/19/06
Agency	DHS	Decision Date	10/25/06
Type	Rule Violation	ALJ	Daniel Stralka
Charge(s)	Failed to recall from layoff; DHS filled her position with a less senior full-time temporary employee	Proposed Finding	No violation.

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER PETERSON AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSED FINDING THAT THE RESPONDENT MADE USE OF A TEMPORARY ASSIGNMENT TO PROVIDE SUPERVISION AND DIRECTION TO THE MOULTRIE COUNTY OFFICE DURING THE LONG-TERM ABSENCE OF ITS ASSIGNED MANAGER WHICH DID NOT VIOLATE THE PETITIONER'S RECALL RIGHTS. IN ADDITION, THE PETITIONER FAILED TO PROVIDE ANY EVIDENCE THAT HER DISABILITY PLAYED ANY PART IN ANY ADVERSE EMPLOYMENT ACTION AGAINST HER. FOR THESE REASONS, THERE IS NO VIOLATION OF THE PERSONNEL CODE OR PERSONNEL RULES AS ALLEGED.

KOLKER	YES	RICHARDS	
PETERSON	YES	EWELL	YES
BUKRABA	YES		

X. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

• DISMISSED

S-9-07

Petitioner	Lisa Roller	Appeal Date	10/05/06
Agency	DHS	Decision Date	10/23/06
Type	Suspension	ALJ	Daniel Stralka
Charge(s)	Suspended pending discharge	Recommended Decision	No jurisdiction; dismissed subject to Commission approval.

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER BUKRABA, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO APPROVE THE DISMISSAL OF THIS APPEAL. THE

**APPEAL WAS NOT FILED FOR A DISCIPLINARY SUSPENSION PURSUANT TO SECTION 302.660 OF THE PERSONNEL RULES, BUT A SUSPENSION PENDING DISCHARGE PURSUANT TO SECTION 302.710 OF THE PERSONNEL RULES WHICH RESULTED IN THE COMMISSION HAVING NO JURISDICTION OVER THIS MATTER.**

<b>KOLKER</b>	<b>YES</b>	<b>RICHARDS</b>	
<b>PETERSON</b>	<b>YES</b>	<b>EWELL</b>	<b>YES</b>
<b>BUKRABA</b>	<b>YES</b>		

XI. AMENDMENT TO THE PERSONNEL RULES

Executive Director Daniel Stralka explained that this section of the Personnel Rules was previously declared invalid by the Illinois Appellate Court in *Illinois Dept. of Revenue v. Illinois Civil Service Com'n*, 357 Ill.App.3d 352, 827 N.E.2d 960 (2005). The 30-day probationary period has not been enforced by Central Management Services and this proposed amendment simply removes the invalid language.

SUBPART F: PROBATIONARY STATUS (80 IAC 302.300)

**Section 302.300 Probationary Period**

- a) A probationary period of six months shall be served by:
- 1) an employee who enters State service or commences a new period of continuous service, except an employee who is reinstated as provided under Section 302.610;
  - 2) an employee who is appointed from an open competitive eligible list, whether or not it be considered an advancement in rank or grade.
- b) A probationary period of four months shall be served by any employee who is promoted pursuant to Subpart G or reinstated on or after January 1, 1999, pursuant to Section 302.610. Employees reinstated prior to January 1, 1999 shall serve a six month probationary period.
- ~~c) An employee who has been appointed to a position subject to Jurisdiction B of the Personnel Code and who, immediately prior to the appointment has served the State as a full-time employee, continuously, for a minimum of 2 years in a position not subject to Jurisdiction B, shall serve a probationary period of 30 days.~~
- cd) An employee transferred during the probationary period shall serve that portion of the probationary period which was not completed at the time of such transfer.
- de) A probationary period shall not be deemed to be continued by the payment of any sum for vacation or other benefits accrued during such probationary period.

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- e) If an employee is absent from work for more than 15 consecutive calendar days during the probationary period because of leave of absence, disciplinary suspension, sick leave, unauthorized absence, or work related injury or industrial disease, such absence shall serve to extend the probationary period by the length of the absence.

## XII. STAFF REPORT

Executive Director Daniel Stralka reported that:

- Beckie Daniken attended a seminar on improving customer service on October 19, 2006.
- He made a presentation regarding 4d(3) exemptions to agency Personnel Officers on October 31, 2006.
- Andrew Barris is sorting files into boxes to go to Archives for permanent retention or to be shredded. We received permission to dispose of our first three boxes of files dating from 1970-1980 on November 1, 2006.
- The initial budget submission for fiscal year 2008 was made on November 15. The Office of Management and Budget has mandated that agencies target requests at 98% of their fiscal year 2007 appropriation.
- The Office of Management and Budget has indicated our fiscal year 2007 supplemental budget request of \$22,000 for outside administrative law judge expenses will be introduced during the Veto Session.

## XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular meeting to be held on Thursday, December 21, 2006 at 9:00 a.m. in the Commission's Chicago office.

## XIV. MOTION TO ADJOURN

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER PETERSON AND THE MOTION ADOPTED 4-0 TO ADJOURN THE MEETING AT 11:06 A.M.**